

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

In re	)	
	)	Chapter 9
CITY OF DETROIT, MICHIGAN,	)	
	)	Case No. 13-53846
Debtor.	)	
	)	Hon. Steven W. Rhodes
	)	
	)	<b>Expedited Consideration</b>
	)	<b>Requested</b>

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***EX PARTE* MOTION OF SYNCORA GUARANTEE  
INC. AND SYNCORA CAPITAL ASSURANCE INC. FOR  
SHORTENED NOTICE AND EXPEDITED HEARING ON MOTION  
FOR CLARIFICATION OF POST-CONFIRMATION PROCEDURES**

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Syncora submits this *Ex Parte* Motion for Shortened Notice and Expedited Hearing (the “Ex Parte Motion”) on the *Motion for Clarification of Post-Confirmation Procedures* (the “Clarification Motion”) and respectfully represent as follows:

**Jurisdiction and Venue**

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

**Relief Requested and Basis for Relief**

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the notice period provided by Local Bankruptcy Rule 9014-1 for a party to take any action or file any paper. Fed. R.

Bankr. P. 9006(c); E.D. Mich. LBR 9006-1(b).

3. Syncora respectfully requests that, pursuant to Bankruptcy Rule 9006(a) and Local Bankruptcy Rule 9006-1(b), the Court shorten the notice period with respect to the Clarification Motion and schedule an expedited hearing on the Confirmation Motion on **August 29, 2014**.

4. Contemporaneously with the filing of this *Ex Parte* Motion, Syncora filed the Clarification Motion. Syncora filed the Clarification Motion in reaction to a provision in the plan, which provides that this Court will waive the 14-day automatic stay of an order confirming the plan under Bankruptcy Rule 3020(e). To date, the Debtor has not and cannot offer any justification for why this Court should deviate from the presumption under Bankruptcy Rule 3020(e) that an order confirming a plan is stayed until the expiration of 14 days after the entry of the order. For the reasons stated in the Confirmation Motion, Syncora seeks the entry of an order clarifying that the 14-day automatic stay of Bankruptcy Rule 3020(e) will apply to any order confirming the plan in this case.

5. The Court may shorten the notice period and schedule an expedited hearing on the Confirmation Motion for cause shown. Cause exists here. The plan proposed by the City would dispense with the 14-day automatic stay of an order confirming the plan, thereby potentially allowing the confirmed plan to be substantially consummated at once and frustrating the appellate courts' ability to

consider whether a further stay is warranted (which is why the Bankruptcy Rules provide for the 14-day automatic stay in the first place). Absent such clarification from this Court, no party aggrieved by the final confirmed plan—potentially including Syncora—will know whether the 14-day automatic stay will apply here before it is too late to do anything about it. Accordingly, Syncora now seeks clarification of the applicability of the 14-day automatic stay in this case (and accordingly, to shorten the notice period and to schedule an expedited hearing on the Clarification Motion), so that it may timely seek appellate review if this Court does not intend to apply the stay.

6. Syncora will serve this *Ex Parte* Motion to the parties in the above-captioned proceedings and will provide notice of the *ex parte* order upon issuance pursuant to E.D. Mich. LBR 9006-1(b).

### **Conclusion**

WHEREFORE, Syncora respectfully requests that the Court enter an Order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as this Court deems appropriate.

*[Remainder of this page intentionally left blank]*

Dated: August 21, 2014

Respectfully submitted,

**KIRKLAND & ELLIS LLP**

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